

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

1 Omar Montes-Barron

A202 001 350

YOB:

1987

Principal

the United Mexican States

United States District Court
Southern District of Texas

Case Number:

M-14-1915 -M

2

Jose Luis Orellana-Escobar

A202 126 149

YOB:

1977

CO-Principal

Costa Rica

FILED

SEP 27 2014

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 26, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Tomasa Tino-Mendoza, citizen and national of Guatemala and Jose Martinez-Garcia, citizen and national of the United Mexican States, along with eight (8) other undocumented alens, for a total of ten (10), who had come to, entered, or remained in the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) **FELONY**

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 17, 2014, Border Patrol Agents received information from an apprehended alien. The alien identified 7405 Midland Dr. in Mission, Texas as the house where she was being held at prior to being smuggled further north.

Surveillance was conducted on the home by FIST and HSI Agents. On September 19, 2014, fifteen (15) subjects were observed exiting the home and loading onto a bed of a white Dodge truck. An attempted traffic stop on truck matching description resulted in a bailout on Highway 281 and a 0 on 11 administrative alien smuggling case.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Eduardo Cortez

Signature of Complainant

Eduardo Cortez

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

September 27, 2014

Date

at McAllen, Texas

City and State

Dorina Ramos

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Dorina Ramos

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-14-1915 -M

**RE: Omar Montes-Barron
Jose Luis Orellana-Escobar**

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CONTINUATION:

On September 26, 2014, surveillance continued on the home. At approximately 5:30 a.m., FIST Agent Rodriguez observed a Chevrolet Tahoe arrive to the home and drop off 6-7 subjects and shortly after leave the area. Visual of Tahoe was lost due visibility issues and surveillance of location continued. At approximately 7:53 a.m. FIST Agent R. Salinas observed a red Nissan Xterra enter the property and drop off three subjects. As the Nissan Xterra exited location, Agents followed at a safe distance and requested assistance from Palmview Police Department. At approximately 8:09 a.m., Palmview Police Officer C. Mendoza, conducted a traffic stop of the Nissan Xterra near the intersection of Commercial Plaza and Bentsen Palm Drive due to the driver not wearing a safety belt.

During the traffic stop, Agent Garcia arrived and made contact with the driver later identified as Omar MONTES-Barron. A field interview was conducted where it was determined that MONTES was illegally in the United States. MONTES was read his Miranda Rights by Agent Garcia and questioned. During the field interview, MONTES self-admitted to having just dropped off three subjects at the home. A search of his cellular phone revealed several text messages implicating him with alien smuggling. MONTES was placed under arrest and transported to the Border Patrol station.

Agents proceeded to the home located at 7405 Midland Dr. in Mission, Texas to conduct a consent to search for undocumented aliens. FIST Agents, Hidalgo County Constables Precinct 3 Deputies, and HSI Agents were granted consent to enter the residence by Jose Luis ORELLANA-Escobar, an undocumented alien inside the house, where a total of 11 undocumented aliens that claim to have all entered illegally into the United States were found.

During the search of the residence, a loaded Sturm Rugger P90 handgun was found in the bedroom. It was loaded with eight .45 caliber rounds in the magazine. No round was in the chamber. Another magazine with eight .45 caliber rounds was found in the kitchen cabinet. A small ammunition box with thirty-eight .40 caliber rounds was found inside the drawer of the desk which was in the living room area. None of the undocumented illegal aliens claimed ownership of the weapon. They also claimed they were not threatened with the handgun.

All subjects were transported to the McAllen Border Patrol Station for processing.

PRINCIPAL STATEMENTS

1. Omar MONTES-Barron was read his Miranda Warnings. Subject stated to understand his rights and gave a sworn statement without the presence of an attorney.

Subject stated to have crossed the river illegally and be in the United States illegally. Subject states that a person by the name "Junior" called him and offered him a job that would pay him \$300 dollars to transport three undocumented illegal aliens (UDAs) to the house located at 7405 Midland Drive in Mission, Texas.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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CONTINUATION:

Subject states to have been involved in alien smuggling for about three months, and to this having been the second time transporting aliens to the same house. Subject stated that "Junior" paid him \$400.00 dollars the first time he transported aliens to the house.

2. Jose Luis ORELLANA-Escobar was read his Miranda Warnings. Subject stated to understand his rights and gave a sworn statement without the presence of an attorney.

Subject stated to have crossed the river illegally and be in the United States illegally. Subject stated that after crossing he was picked up and transported in several different vehicles to the stash house where he was arrested today.

Subject claims to have been left alone at the house and a phone was left that was ringing and decided to answer it. Subject states that an unknown male that told him to open the door and let seven subjects that were outside, in the house. Subject stated he wrote the names of the subjects on a piece of paper and asked them which smuggler sent them. Subject states he also told the people to eat and clean up if they wanted to. Subject stated to receiving another call on another six subjects arriving at the house that he was to let in the house. Subject stated he was not getting paid for what he did.

MATERIAL WITNESSES STATEMENTS:

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Tomasa Tino-Mendoza stated to being a citizen of Guatemala and to being in the United States illegally. Subject stated that she was traveling to Minnesota and was charged approximately \$ 5, 500 dollars. Tino-Mendoza states to being crossed illegally and transported to a house where they stayed at until being picked up the following morning. Tino-Mendoza states that a subject later identified as Omar Montes-Barron picked up and transported her and two other undocumented aliens in a red vehicle to the house where they were arrested at. Tino-Mendoza states once they arrived at the house, she was greeted by Jose Luis Orellana-Escobar, where he took down there name and code word they were to use in order to enter the house.

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CONTINUATION:

TINO-Mendoza was able to identify Omar Montes-Barron, as the subject that was driving the red vehicle that picked and dropped her off at the stash house.

TINO-Mendoza was able to identify Jose Luis Orellana-Escobar in a photo lineup, as the subject that was taking care of them at the stash house. Tino-Mendoza further stated that Orellana instructed her to go to sleep and shortly after Agents arrived and arrested them.

2-Jose Luis MARTINEZ-Garcia stated that he crossed the river illegally into the United States on September 25, 2014. Subject stated that he made the arrangements in Reynosa where he paid \$1,000 US dollars to cross and that he was going to pay \$2,000 dollars in Houston, Texas. After crossing illegally into the U.S., a gray Tahoe picked the group up and transported them to the stash house where they were arrested today. MARTINEZ positively identified Jose Luis ORELLANA-Escobar in a photo lineup as the persons in charge of the stash house. MARTINEZ-Garcia stated that when they arrived to the house, ORELLANA-Escobar wrote their names on a piece of paper and told them to go to the back room, not make any noise for any reason or go outside due to armed men coming to the house last week and taking eighteen people hostage. MARTINEZ states that three other subjects arrived to the home and Orellana wrote there names down and told them to take a shower. Upon agent's arrival, Martinez states that Orellana gave him a black and silver gun to hide under the pillow.